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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

_____

Ex parte LAURENT SCALLIE

_____

Appeal 2008-6045
Application 10/011,023
Technology Center 3700

_____

Decided[1]: February 27, 2009

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Before DONALD E. ADAMS, LORA M. GREEN, and
FRANCISCO C. PRATS, *Administrative Patent Judges*.

ADAMS, *Administrative Patent Judge*.

DECISION ON APPEAL

This appeal under 35 U.S.C. § 134 involves claims 16-25, the only

claims pending in this application. We have jurisdiction under 35 U.S.C.

§ 6(b).

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[1] The two-month time period for filing an appeal or commencing a civil
action, as recited in 37 C.F.R. § 1.304, begins to run from the decided date
shown on this page of the decision. The time period does not run from the
Mail Date (paper delivery) or Notification Date (electronic delivery).

STATEMENT OF THE CASE

The claims are directed to a method of operating a mission control (administration) system for controlling multiple game playing satellite computers on a network. Claims 16-18 and 20 are illustrative:

16. A method of operating a mission control (administration) system for controlling multiple game playing satellite computers on a network comprising:

(a) providing a mission control computer which operates administrative programs for performing administrative functions for multiple game playing satellite computers on a network;

(b) providing a plurality of game-playing satellite computers connected to the network, each of which maintains a plurality of game programs and game-specific command sets for controlling the play of respective ones of said plurality of game programs;

(c) storing in each game-specific command set of a satellite computer at least a game-specific start signal and a game-specific stop signal for starting and stopping a respective game program, respectively, on the satellite computer;

(d) issuing a generic game start signal from the mission control computer to a satellite computer which is indexed to the game-specific start signal of the game-specific command set for a respective game program on the satellite computer in order to cause the game-specific start signal of the game-specific command set to be issued by the satellite computer for starting the game program;

(e) enabling the game program once started to be played on the satellite computer by local game-specific command inputs of a game player to the satellite computer; and

whereby generic command signals can be issued by the mission control computer to control the administration of game programs played on any of the satellite computers, while enabling local game-specific commands inputs to be used by a game player to control the playing of a game program on the satellite computer.

17. A method of operating a mission control system according to Claim 16, further comprising generating with the playing of each game program on a satellite computer one or more of the following sources of information for tracking the operation of the game program, and parsing said source of information for desired status information and providing it to the mission control computer[;] game log files[;] dialog boxes or windows opened by the game program; messages from the Notification API; and a method used by the game program for external communications.

18. A method of operating a mission control system according to Claim 16, further comprising providing each satellite computer a local control program and a database of game-specific command sets for each of the game programs offered on the satellite computer, such that when a generic game-start signal is issued by the mission control computer to the satellite computer, the local control program of the satellite computer loads the corresponding game-specific command set from its database to operate the game program.

20. A method of operating a mission control system according to Claim 17, wherein said mission control computer maintains a database of

game data based upon status information provided by the satellite computers, and generates one or more administrative reports from the group consisting of: system-wide gaming reports; membership and player statistics; detailed statistics on specific games played by specific players; current status of the system, hardware, and software troubleshooting.

The Examiner relies on the following prior art references to show unpatentability:

Wain	US 4,335,809	Jun. 22, 1982
Ehrman	US 5,984,786	Nov. 16, 1999
Acres	US 6,431,983 B2	Aug. 13, 2002

The rejections as presented by the Examiner are as follows:

1. Claims 16 and 21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Wain.

2. Claims 18, 19, 22, 24, and 25 stand rejected under 35 U.S.C § 103(a) as unpatentable over the combination of Wain and Ehrman.

3. Claims 17 and 23 stand rejected under 35 U.S.C § 103(a) as unpatentable over the combination of Wain and Acres.

4. Claim 20 stands rejected under 35 U.S.C § 103(a) as unpatentable over the combination of Wain, Acres, and Ehrman.

We reverse.

Anticipation:

ISSUE

Does Wain teach the issuing of a generic game start signal from the mission control computer to a satellite computer?

FINDINGS OF FACT

FF 1. Wain teaches

> A coin-freed [sic] player-operable entertainment machine is connected via a transmission link, such as a telephone line, to a remote control device. The link may be used to transmit program information to a control system of the machine so that the game to be played with the machine can be changed as desired from the remote control location. Alternatively or additionally, the transmission link may be used to transmit information concerning machine operation from the machine to the remote control location.

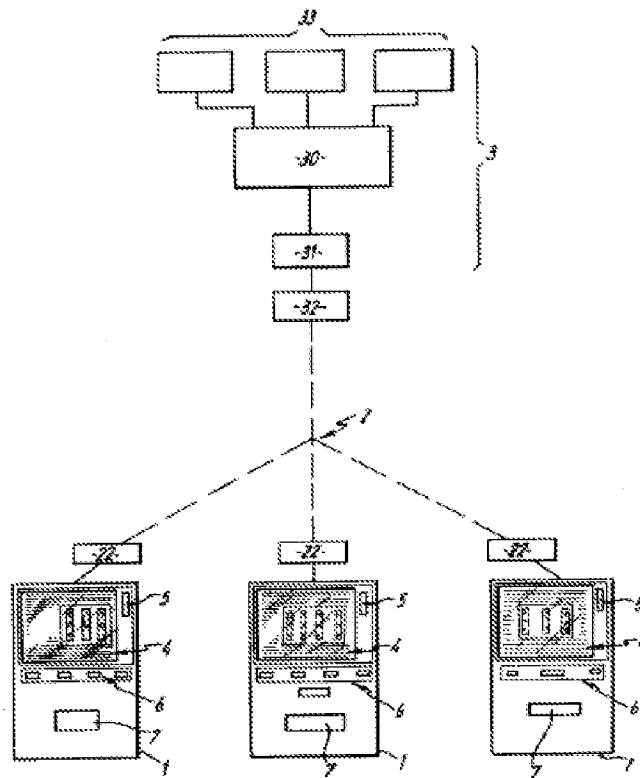(Wain, Abstract.) For clarity we reproduce Wain's Figure 1 below:

"FIG. 1 is a diagrammatic representation of one kind of a machine system according to the present invention" (Wain, col. 5, ll. 15-16).

FF 2. Wain teaches that the satellite machine "can store program information fed thereto from the main control device" (e.g., a mission control computer) (Wain, col. 3, ll. 38-40). Wain teaches that

> With this arrangement it will be appreciated that the game played with a machine at a particular machine site can be varied from a location remote thereto and without requiring said machine to be removed or personnel to visit said site, whereby it may be convenient to effect said variation as and when desired and with relatively great frequency.

(Wain, col. 3, ll. 3-9; *see also* col. 7, ll. 13-18.)

FF 3. Wain teaches that the satellite machine is actuated "by insertion of one or more coins or tokens into an appropriate coin mechanism of the machine" (Wain, col. 1, ll. 7-10).

FF 4. The Examiner finds that

> Wain discloses a system and method for both gaming and non-gaming amusement machines (satellite computers) linked via a communications network to a main control device (mission control), wherein the gaming and non-gaming amusement machines can be controlled independently or collectively to play one of a plurality of games by the main control device (mission control).

(Ans. 3.)

FF 5. Specifically, the Examiner finds that Wain teaches

> • providing a mission control computer (**30**) which operates administrative programs for performing administrative functions for multiple game playing satellite computers on a network (Figure 1);
> • providing a plurality of game playing satellite computers (**22**) connected to the network, each of which maintains a plurality of game programs and game specific command sets for controlling the play of respective ones of said

plurality of game programs (Figure 1 and Column 6, lines 33-37);

●storing in each game specific command set of a satellite computer at least a game specific start signal for starting a respective game program on the satellite computer (Figure 1, Column 3, lines 17-29, and Claim 1);

●issuing a generic game start signal from the mission control computer to a satellite computer which is indexed to the game specific start signal of the game specific command set for a respective game program on the satellite computer in order to cause the game specific command set to be issued by the satellite computer for starting the game program (Column 3, line 17-29 and Claim 1);

●enabling the game program once started to be played on the satellite computer by local game specific command inputs of a game player to the satellite computer, (Abstract, Column 2, line 57-Column 4, line 3, Column 7, lines 13-23 and 37-45)[;]

●whereby generic command signals can be issued by the mission control computer to control the administration of game programs played on any of the satellite computers, while enabling local game specific command inputs to be used by a game player to control playing of a game program on the satellite computer (Abstract, Column 2, line 57-Column 4, line 3, Column 7, lines 13-23 and 37-45).

(Ans. 3-4.)

FF 6.Claim 21 depends from claim 16.

PRINCIPLES OF LAW

Because the hallmark of anticipation is prior invention, the prior art reference – in order to anticipate under 35 U.S.C. § 102 – must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements "arranged as in the claim." *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548 (Fed.Cir.1983).

Net Moneyin, Inc. v. VeriSign, Inc., 545 F.3d 1359, 1369 (Fed. Cir. 2008).

ANALYSIS

Based on the foregoing facts (FF 4-5) the Examiner finds that Wain anticipates claims 16 and 21 (Ans. 3-5). We disagree.

Claim 16 part (d) requires the mission control computer to issue a generic game start signal to a satellite computer (Claim 16(d)). Appellant contends that "[t]he main control device 3 of Wain simply downloads software for different games into the RAM device 18 of [the] entertainment machines 1. (See, e.g., col. 6, lines 31-50)" (App. Br. 4; Reply Br. 1-2). Appellant contends that Wain's system which permits software for different games is different than the "generic game start" signal of their claimed invention. (App. Br. 5; Reply Br. 2). In response,

> The examiner asserts Wain's main control device 30 controls the actual play of the game by virtue of the game program being "fed" to the entertainment machine(s) 1. This game programming information must be resident on RAM 18 in order for the game to execute (start/stop). The examiner reasonably interprets the "generic game start" limitation to be read on by this feature as described in Wain.

(Ans. 12.) Contrary to the Examiner's assertion, loading a game into the memory (e.g, RAM) of a satellite computer is not the same as initiating the start of the game. Accordingly, Appellant has the better argument.

Part (b) of Appellant's claim 16 requires the satellite computers to maintain a plurality of game programs and game-specific command sets for controlling the play of respective games (Claim 16(b)). Wain teaches satellite computers, or machines, that have this functionality (FF 1 and 2). Wain also teaches a satellite computer, or machine that is in communication

with a main control device, or mission control computer (*id.*). However, while Wain teaches that this mission control computer is in communication with the satellite computer, Wain does not teach that the mission control computer issues a generic game start signal to the satellite computer. Instead, Wain teaches that the game is actuated by the insertion of coins or tokens into the satellite computer. Stated differently, while games are memory resident in Wain's satellite computer(s) and these games may be changed by the mission control computer; there is no teaching in teaching in Wain that the mission control computer issues a generic game start signal to the satellite computer. The game start signal in Wain's system is the insertion of coins or tokens into the satellite computer (App. Br. 5).

CONCLUSION OF LAW

Wain fails to teach the issuing of a generic game start signal from the mission control computer to a satellite computer.

The rejection of claims 16 and 21 under 35 U.S.C. § 102(b) as being anticipated by Wain is reversed.

Obviousness:

PRINCIPLES OF LAW

In proceedings before the Patent and Trademark Office, the Examiner bears the burden of establishing a prima facie case of obviousness based upon the prior art. *In re Fritch*, 972 F.2d 1260, 1265 (Fed. Cir. 1992).

Wain and Ehrman:

ISSUE

Does the combination of Wain and Ehrman teach the issuing of a generic game start signal from the mission control computer to a satellite computer?

FINDINGS OF FACT

FF 7.Claims 18, 19, 22, 24, and 25 depend directly or indirectly from claim 16.

FF 8.The Examiner finds that

> Ehrman teaches of a run-time environment for multi-player, networked games which can be used to run many different types of games. The game model includes a database which stores the objects and their properties as well as the rules of the specific game, where the rules are to be executed on the objects and their properties.

(Ans. 7.)

FF 9.The Examiner finds that Ehrman teaches "a generic game start signal is issued by the mission control computer to the satellite computer . . . (Abstract, Figures 1, 3A, 3B, and Column 1, line 56-Column 2, line 54)" (Ans. 7).

FF 10.Ehrman discloses:

> The present invention is a run-time environment for multi-player, networked games and simulations which can be used to run many different types of games and simulations. The term "game" will be utilized hereinbelow to refer both to games and simulations.
> In accordance with a preferred embodiment of the present invention, the run-time environment includes a game model which defines the specifics of a game and a game engine which runs the game defined in the game model. The game model includes a database which stores the objects and their

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> properties (some of the properties might be communicable
> among the players) as well as the rules of the specific game,
> where the rules are to be executed on the objects and their
> properties. The game engine includes a rule evaluator, a
> database engine, a triggering mechanism and a communication
> unit. The rule evaluator evaluates the rules thereby changing
> the properties. The database engine updates the database
> whenever a property is changed. The triggering mechanism
> activates the rule evaluator whenever database engine changes a
> property. The communication unit is activated by the triggering
> mechanism whenever a communicable property changes and
> transmits the changed communicable property to another
> simulation unit. The communication unit also delivers received
> communicable properties to the database engine.

(Ehrman, col. 1, l. 65, through col. 2, l. 14.)

ANALYSIS

While the Examiner finds that Ehrman teaches, *inter alia*, a generic

game start signal at Column 1, line 56 - Column 2, line 54 we fail to see any

teaching at this section or in Ehrman generally that teaches the issuance of a

generic game start signal from a mission control computer as is required by

Appellant's claimed invention. We note that Ehrman discloses a "triggering

mechanism [that] activates the rule evaluator whenever [the] database engine

changes a property" (Ehrman, col. 2, ll. 7-9 (FF 10)), the "triggering

mechanism" also activating the communication unit "whenever a

communicable property changes" (*id.* at col. 2, ll. 9-11).

While it may be that the Examiner considers the generic game start

signal limitation to be met by Ehrman's triggering mechanism, the Examiner

has simply not explained how or why that is the case. Accordingly, the

Examiner has failed to meet his burden of establishing that Acres makes up for the deficiency in Wain as discussed above.

CONCLUSION OF LAW

The Examiner has failed to meet his burden of establishing that the combination of Wain and Ehrman fails to teach the issuing of a generic game start signal from the mission control computer to a satellite computer.

The rejection of claims 18, 19, 22, 24, and 25 under 35 U.S.C § 103(a) as unpatentable over the combination of Wain and Ehrman is reversed.

Wain and Acres:

ISSUE

Does the combination of Wain and Acres teach the issuing of a generic game start signal from the mission control computer to a satellite computer?

FINDINGS OF FACT

FF 11.Claims 17 and 23 depend directly or indirectly from claim 16.

FF 12.The Examiner finds that "Acres teaches of a method and system for providing an incentive to play gaming devices connected by a network to a host computer. The system additionally tracks player activity via a smart card inserted by the player into the gaming machines" (Ans. 9).

ANALYSIS

The Examiner fails to identify a teaching in Acres of, or provide an explanation of how a person of ordinary skill in the art would interpret Acres to teach, the issuance of a generic game start signal from a mission control computer as is required by Appellant's claimed invention. Accordingly, the Examiner has failed to meet his burden of establishing that Acres makes up for the deficiency in Wain as discussed above.

CONCLUSION OF LAW

The Examiner has failed to meet his burden of establishing that the combination of Wain and Acres teaches a method that includes, inter alia, the issuing of a generic game start signal from the mission control computer to a satellite computer.

The rejection of claims 17 and 23 under 35 U.S.C § 103(a) as unpatentable over the combination of Wain and Acres is reversed.

Wain, Acres, and Ehrman:

ISSUE

Does the combination of Wain, Acres, and Ehrman teach the issuing of a generic game start signal from the mission control computer to a satellite computer?

FINDING OF FACT

FF 13.Claim 20 depends indirectly from claim 16.

ANALYSIS

For the foregoing reasons the Examiner has failed to identify a teaching in Wain, Acres, and Ehrman of the issuing of a generic game start signal from the mission control computer to a satellite computer.

CONCLUSION OF LAW

For the foregoing reasons, the Examiner has failed to meet his burden of establishing that the combination of Wain, Acres, and Ehrman teaches the issuing of a generic game start signal from the mission control computer to a satellite computer.

The rejection of claim 20 under 35 U.S.C § 103(a) as unpatentable over the combination of Wain, Acres, and Ehrman.

REVERSED

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